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Lawyer - Letter to Hon. L.H. Sandford
1846

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FROM

Rev. Martin Moore

LETTER
TO THE
HON. LEWIS H. SANDFORD
ASSISTANT VICE CHANCELLOR.

REPLY
OF THE
OPINION
OF THE
ASSISTANT VICE CHANCELLOR

IN THE CASE OF
PHILIP KNISKERN AND OTHERS
VS,
PHILIP WIETING, THE EVANGELICAL LUTHER-
AN CHURCHES OF ST. JOHN'S AT DUR-
LACH, AND ST. PETER'S AT NEW
RHINEBECK IN SHARON; AND
OTHERS.

BY JOHN D. LAWYER,
Pastor of the Ev. Luth. Churches of Sharon Springs Dist.

ALBANY:
PUBLISHED BY E. M. PEASE, BOOKSELLER,
82 STATE-STREET.

1846



LETTER

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HON. LEWIS H. SANDFORD,

ASSISTANT VICE CHANCELLOR.

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SCHOHARIE REPUBLICAN OFFICE.

TO THE
HON. LEWIS H. SANDFORD.

ASSISTANT VICE CHANCELLOR.

SIR—In addressing to you personally the following letter, I presume, I shall not transgress against any rule of propriety. As an eminent jurist, you command my esteem and respect. You occupy a high and responsible station in the judiciary of our State; and you have already distinguished yourself for your legal attainments and knowledge of jurisprudence. May you long enjoy the satisfaction of being instrumental in dispensing justice and exerting a salutary influence to disenthral our judicial proceedings from the confused errors of ancient precedents and venerated decisions of the dark ages.

I thank you for the pamphlet, you did me the honor to send me; containing the "Opinion" delivered by you, in the Chancery case of *Philip Kniskern and others, vs. Philip Wieting, the Evangelical Lutheran Church of St. John's at Durlach and St. Peter's at New Rhinebeck in Sharon; and others.* Although it is a long and very elaborate opinion, I have perused it with great care and much attention. I am induced to examine your arguments and positions, by way of review. Refutation is not so much my object, as the pursuit of truth and justice. Truth and justice must always harmonize and can never be at variance.

The points decided by you, are stated—"Charitable uses, for religious tenets; the Augsburg Confession of Faith as the creed of the Lutheran Church; and the departures therefrom in the Declaration of Faith of the Franckean Synod,"

I shall pass over your first division, which contains the history of the Churches in question ; and also the second, stating the “ principles which govern courts of equity ” in cases of charitable uses. On the latter point, I would merely remark, that I disagree materially with your Honor, in regard to some important points which you take ; but I am relieved from entering upon the discussion of them, as your *errors* have been *corrected* by the highest judicial tribunal of our State, in the case of the German Reformed Church in Forsyth Street in the city of New York, entitled *Miller and others vs., Gable and others*. That decision meets my entire approbation, and I regard it as worthy the learned judges and an evidence of the progress of legal science in this enlightened age.

My remarks shall be confined, at present, to your third and fourth divisions, having reference to that venerated instrument the *Augsburg Confession* and the alleged departures therefrom in the *Declaration of Faith* of the Evangelic Lutherans of the Franckean Synod. It is for this reason that I address you, and I state it here, that my object may be distinctly known. It is in theology and in the defence of the doctrines and principles of the Franckean Evangelic Lutheran Synod ; and not on points of jurisprudence, that has drawn me into this discussion. However unenviable my situation, my sense of duty will not permit me to decline the task.

Before I enter upon the review of your Honor’s opinion, I must submit a few preliminary observations, which I cannot omit in justice to my ministerial brethren and our associated Evangelic Churches, as well as to myself. The impropriety of the course, to which I allude, I think your Honor upon mature reflection will acknowledge. Whatever you may think of us, or however you may feel toward us, on account of the high and holy principles we maintain ; we are notwithstanding *Evangelic Lutherans*—our Churches are *Evangelic Lutheran Churches*, and our ministers *Evangelic Lutheran Ministers*. But when your Honor, speaks of us, in your very learned and elaborate opinion, you have undertaken to denominate us by a name of your own invention ; and call us “ Franckeans,” —“ Franckean Lutherans”—“ Franckean Ministers ;”—and our Declaration the “ Franckean Declaration.”

We have been sorely persecuted ever since our organization ; and I am much grieved to have such high judicial authority, voluntarily

enter the list of our opponents ; and stigmatize us with what may be deemed opprobrious epithets. I appeal to your Honor's sense of justice, is it right ? The name *Lutheran*, as you state yourself, was originally applied as a term of reproach ; why then should you follow the example ? If we have not numbers on our side, we believe we have the truth, and the God of heaven to approve us. What then if we *do* believe the Bible, and not the Augsburg Confession, are we not on this account *Lutherans* ? And because we maintain the fundamental principle of Lutheranism, the Bible our only standard ; are we therefore Franckeans ! Franckean Lutherans ! Franckean Ministers ! We should at least be treated with respect, since our hearts have been so deeply afflicted by unrelentless and unrighteous persecution.

Let me make another observation. In attempting to establish the faith and doctrines of those who were the founders in 1789, your Honor speaks of them as the "donors of this property," that is, of the land and temporalities in question. But it should be remembered, that whatever may have been the faith and doctrines of those who conveyed the land in question, they were not *donors*, but *grantors*. This is evident from your own statement. In 1789, as your Honor says, the Society was designated by the name of "*The Lutheran Congregation of Cobleskill and New Durlach*," and on the 9th of March of said year, one hundred and fifty acres of land at New Durlach, were "conveyed in fee," to three Trustees of the Church, and expressed in the deed, "*for the common use and benefit of the said Lutheran Congregation forever*." The land was conveyed and granted for a valuable consideration and on no other restriction than that just mentioned.

Now, what is a donor ? Webster says, a donor is, "a giver bestower, benefactor." But when a person receives a valuable consideration for property, he certainly is no *donor*. The religious faith of the grantors, could not control the property forever thereafter, especially since the trust was in general terms, "*for the common use and benefit of the said Lutheran Congregation forever*." It does not express, that it is for the use of inculcating and teaching the doctrines of the Augsburg Confession or of any other creed.

The Church or Congregation, whenever it was formed and as it existed in 1789, was an independent Lutheran Church. It is not

necessary in order to found or organize a Lutheran Church, to obtain the consent and approbation of a higher ecclesiastical judicatory ; or that it should be in connection with, or in subjection to any ecclesiastical tribunal. At the organization of said church, there was no Synod existing in this State, and not until 1796, when the New York Ministerium was formed. But these Lutheran Churches remained independent of said Ministerium long after it was formed ; and they united with it, and again withdrew from it, before the New York Ministerium connected itself with the general Synod. Consequently, these Lutheran Churches were independent and owed subjection to no Synod ; except when they should voluntarily form a connection by a vote of the majority of the members ; and which connection they might at any time dissolve by a like vote. These churches, in their separate and independent capacity would be Evangelical Lutheran Churches, to all intents and purposes. The land and property, therefore, belongs to the churches and not to the Augsburg Confession ; or any other creed, even should the grantors believe its doctrines.

One more observation. Your Honor also states the fact, that in 1837, when the Franckean Synod was formed ; and when the Evangelic Lutheran Churches in question dissolved their connection with the Hartwick Synod, and thus with the General Synod ; Mr. Wieting acted with " a majority of the Congregation in both churches, and also with a majority of the vestry and Trustees of each church." This is an important fact in my opinion. The dissolution in the one case and connection in the other was effected by a *vote of the majority* and it did not in the least affect their existence and character as Evangelic Lutheran Churches, than it did in 1789, when independent of any ecclesiastical body.

The above is in accordance with a decision of Vice Chancellor Gridley, of the fifth circuit, in the case of *Jessup vs. The Trustees of the first Presbyterian Congregation, Florida, and others* ; made in 1840. The Church was organized in 1741, independent of any ecclesiastical jurisdiction, and land was conveyed to it, in the same year, " for the only proper use and privilege of a Presbyterian Meeting-House for ever." It was held, that it was not necessary for the church to be in connection with either the old or new School Presbyterian General Assembly, to maintain its Presbyterian charac-

ter and existence. And as "a majority of the Congregation and church in Florida and of the session and all the Trustees adhere to the New School General Assembly," it is not a *misapplication* or *perversion* of the trust property, to apply it to the support of a pastor of the New School Presbyterians, regularly elected by a majority of the congregation.

His Honor, Vice Chancellor Gridley says: "The Trustees as *such*, have had no agency (other than that of any other members of the Congregation) in *calling* and *settling* the present incumbent, nor in fixing the amount of his salary, but are in their capacity of trustees *bound* to discharge the pecuniary obligations of the congregation to their minister, by appropriating the funds of the society to the payment of his Salary. The defendants are the *agents* of said congregation in carrying out this contract on their part, by furnishing the house to preach in and by paying the minister his salary."

In the calling and settling a minister or pastor of a church or religious society, there is no statute provision, and there ought to be none; but the choice and election of the pastor is left to the church or communicants *only*; and when there is no other rule adopted, it is decided by a majority of the regular electors. The trustees have no vote on the election of the pastor, or of fixing his salary, but as members of the Church or Congregation. But the statute declares, that the salary of the minister or pastor, "shall be ascertained by a majority of persons entitled to elect trustees, at a meeting to be called for the purpose." And when the minister or pastor is thus elected and the salary fixed and ascertained by a majority of the members and electors; the trustees as agents of the congregation are bound to pay the salary out of the funds and revenues, and carry out the provisions of the contract on the part of the church or society. The statute is express on this point, that "such salaries, when fixed, *shall be ratified by the said trustees, or a major-of them*, by an instrument in writing under their common seal," etc. The trustees as such, have no *veto* upon the voice of the majority of the members and electors of the church; and refuse to furnish the House to the pastor to preach in or pay his salary, or permit him to occupy the property of the church; although such has been the decision of his Honor the Chancellor, in opposition to the express provisions of the statute.

THE AUGSBURG CONFESSION.

The Augsburg Confession comprises your *third division*, and constitutes one of the "points in issue between the parties." Having finished my preliminary remarks, this part of your *opinion* will more particularly commence my review, as to the correctness of your positions.

The Augsburg Confession was presented to the Diet of Augsburg on the 25th of June 1530, by the Protestant Princes and cities of Germany. It was adopted as the *Confession of Faith* of the "Evangelical Lutheran Church," and constitutes one of the *principal* symbolical books of that church. I admit, and the Defendants admitted in their answer, that this Confession was adopted as a system of the doctrines and faith of the church; and therefore, it was wholly unnecessary for your Honor, to cite from such eminent historians and divines, as Seckendorf, Mosheim, Walchias, Milner, Guerike and Lochman, to establish what was an admitted historical fact.

The Augsburg Confession is a document consisting of 28 articles, and is the creed and confession of "The Evangelical Lutheran Church," because it has been adopted *verbatim & literatim* in all its articles. The force and validity of each of its articles is the same, as every article in the Constitution of the United States; and by excluding one article, or one *clause*; or rejecting one doctrine of the Confession, it is no more the same instrument, nor the Confession of the Evangelical Lutheran Church. It may be an *amended* or *altered* Confession.

The following are the symbolical books of the Evangelical Lutheran Church, as enumerated by Dr. B. Kurtz, (*Why are you a Lutheran?* p. 14.) viz. 1. Apostles Creed; 2. Nicene creed; 3. Athanasian Confession; 4. The Augsburg Confession; 5. Defence of the Augsburg Confession; 6. Smalkald Articles; 7. Luther's smaller, and 8. Larger Catechism; 9. Form of Concord. These formularies and symbolical books were formally adopted by the Church in 1580, being fifty years after the Diet in the city of Augsburg. They are all of equal authority, as designed to express the sense and meaning of the Holy Scriptures.

Prof. F. Schmidt, Editor of the German paper, entitled "*Lutherische Kirchenzeitung*," (Vol. 6. No. 5, 1844) enumerates the same

books, as the symbolical books of the Lutheran Church. This Church still retains the *Athanasian creed*, which has been rejected by the "Protestant Episcopal church in the United States."

A writer over the signature of "Hutterus," in the *Lutheran Standard*, (Vol. 1. No. 18. Feb. 15, 1843,) in an article entitled "Notes on the Augsburg Confession," writes as follows:

"The Confession (Augsburg) was written in German and Latin. Both copies are of equal symbolical authority. Verbal but no doctrinal differences occur, and a correct translation should present the entire contents of both"—"The condemnatory clauses are integral parts of the document, essential to a complete view of the doctrinal system of the Protestants; and they embody various important truths which occur in no other connection. It does not seem to be consistent with truth and justice to *mutilate* this venerable confession, arbitrarily omit important sections, and nevertheless represent the fragments which remain, 'The Augsburg Confession.'"—Speaking of all the symbolical books, as above enumerated, the writer says: "The whole collection is known by the name of the '*symbolical books of the Evangelical Lutheran Church*.' These documents possess equal authority with the Augsburg Confession, and it is an error to suppose that the latter presents the *entire* creed, or all the articles of faith which the Lutheran Church has *officially* recognized as scriptural and true."

It is not denied, therefore, that all the above *formularies* contain "the essential or cardinal doctrines and tenets of the Evangelical Lutheran Church."

I now come to consider the departures from the tenets or doctrines of the *Augsburg Confession*, as alleged in the bill, and decided by your Honor to be a perversion of the trust property by the Defendants.

On this point your Honor, says: (p. 15.) "They (defendants) deny that all departures from the Augsburg Confession, were ever deemed heretical or a departure from the true faith or system of doctrines," of Evangelical Lutherans, "either in Europe or America. They allege that many of the Lutheran Churches in America, have never formally adopted it, or received it as containing their fundamental principles of faith, nor required any assent to it in all its parts and doctrines."

In addition to your Honor's Statement, not knowing that it corresponds precisely with the wording of the answer; I make the assertion, that all doctrinal departures from the symbolical books, or even the Augsburg Confession, are not considered departures from the true and essential faith of Lutherans either in Europe or America. This I now proceed to prove.

I will first advert to the "Evangelical Lutheran Church in the United States." That there is such a body appears from ecclesiastical proceedings, books and other official writings. Dr. S. S. Schmucker, whose work entitled, "Elements of Popular Theology," you have cited in your "*Opinion*;" says in the preface, that he published it, "at the request of the General Synod of the Lutheran Church in the United States." Another work, of high recommendations was published in 1843, by Dr. B. Kurtz, entitled, "Why are you a Lutheran?" which contains "Dissertations, explanatory of the doctrines, discipline &c. of the *Evangelical Lutheran Church in the United States*." The Church here spoken of, has never adopted the symbolical books which have been enumerated; nor *officially* recognized the Augsburg Confession as *scriptural and true*.

Dr. Schmucker, speaking of the Augsburg Confession, (Popular Theol. 1834. p. 41.) says: "The Lutheran Church in the United States, has always regarded the Augsburg Confession as the authorized summary of her doctrines, but has not required any oath of obligation to *all its contents*. The General Synod of the Lutheran Church has adopted only 21 *doctrinal articles*, omitting even the *condemnatory clauses* of these, and also the entire catalogue of abuses corrected. No minister, however, considers himself bound to *believe* every sentiment contained in these twenty-one articles, but only the fundamental doctrines."

Your Honor will perceive a marked difference between the "Evangelical Lutheran Church," and *The Evangelical Lutheran Church in the United States*. The latter regards the Augsburg Confession as her authorised summary of doctrine, as contained only in the twenty-one doctrinal articles and rejecting even the condemnatory clauses of the same. A minister is only obligated to believe the *fundamental doctrines*! A mutilated confession, excluding

"integral parts," as well as whole articles, cannot possibly leave the "fragments" as the Augsburg Confession.

There is but one *General Synod*, as a bond of union known among Lutherans in this or any other country; and that is the "General Synod of the Evangelical Lutheran Church in the United States." When the *General Synod* is spoken of, it has reference to the Lutheran Church which is under its government and jurisdiction. The General Synod was organized in October 1820, and this must be considered the time of the organization of the "Evangelical Lutheran Church in the United States." All ecclesiastical bodies in this country, which are separate from others of the same denomination, have their distinct and independent organizations. For instance "The Methodist Episcopal Church in the United States," was duly organized in the city of Baltimore in 1784. "The Protestant Episcopal Church in the United States" was organized at Philadelphia in 1785. The "Presbyterian Church in the United States" was organized in 1788, and the first General Assembly met in Philadelphia in 1789. The "Methodist Protestant Church" was formed in Baltimore in 1830. And this is the case of other religious bodies, and they are not under the jurisdiction of similar organizations of this or any other country.

The General Synod adopted a "Formula for the government and discipline" of the Church, and Chap. VIII contains the "Constitution of Synods." The 18th and 19th Chapters require the candidates for licensure and ordination to subscribe to the following questions, viz :

"1. Do you believe the Scriptures of the Old and New Testament to be the word of God; and the only infallible rule of faith and practice? 2. Do you believe that the fundamental doctrines of the word of God are taught in a manner *substantially correct* in the doctrinal articles of the Augsburg Confession?"

Your Honor refers to the above questions in your "opinion." Now permit me to ask your Honor, what does the General Synod mean, when they require a person to profess his belief that *any* doctrine is taught "*in a manner substantially correct*?" Do they mean to be understood, that the fundamental doctrines of the word of God, are taught in the Augsburg Confession? If so, why not openly declare and avow it? But the plain meaning and intent is:

the General Synod of the Church do not believe the Augsburg Confession. The General Synod, believe that the *fundamental doctrines* are taught "*in a manner*;" in some way—according to their own construction; correct in "substance;" but not in the *letter* and *word* of that venerated instrument. This is all I ask; and this is all that the defendants and the Franckean Evangelic Lutheran Synod have done.

My opinion in regard to the phrase, "in a manner substantially correct," is fully expressed in an article in the "Lutheran Observer," March 28, 1845, over the signature of "Pennsylvanicus," where he says:

"The writer is not opposed to a Confession of Faith in general, nor to the Augsburg Confession in particular; whenever it can be adopted *literally* and in all its *length and breadth*, ex animo. But he does object to this '*substantially correct*' adoption. It amounts to nothing, unless it lays a snare for the conscience of the simple hearted and honest man, or opens a wide door for the free ingress and egress of the dishonest and heterodox, and prepares the way for all sorts of difficulties and dissensions in the church. If one man may reject the article upon the Lord's Supper from his creed, and another that upon Baptism, a third may do the same in regard to original sin, and so we may proceed until not a single article of the poor confession is left standing." The whole of this paragraph is true, and that is more than can be said of the Augsburg Confession. The writer of the above article, was a member of a committee appointed by the General Synod, to prepare a liturgy for the use of the Church.

Prof. W. M. Reynolds, late of Pennsylvania College, at Gettysburg, and now President of Wittenberg College, in Ohio, confirms my statement. Speaking of the position of the American Lutheran Church at the formation of the General Synod (Luth. Obs. July 12, 1844,) he says: "We might verify this in every part of the American Church organization, but for the present, we confine ourselves to her action in regard to the *symbolical books*. These she neither *rejected*, nor *received* as an absolute rule of faith.—Hence we find in the Constitution of the General Synod no action whatever in regard to them. The Pennsylvania Synod particularly, never required subscription or assent to the symbolical books,

nor was the least disposition manifested by it to change its ground, when in 1841, it revised its *Ministerial Ordning*. But what is still more remarkable and significant in this matter is, that in the liturgy drawn up by a joint committee of the Pennsylvania, New York and Ohio Synods, and adopted by those bodies as also by the Synods of East and West Pennsylvania, and recommended by the General Synod to all the Synods in its connection, *there is no reference either in the formula for licensure or in that for ordination to any obligation of the Ministry to teach according to the symbolical books.*—Has the American church then ceased to be Lutheran because she does not subscribe to the Augsburg Confession and other symbolical books? God forbid! for then would she have denied the truth that Luther revived and confessed, viz: the *Bible*, as the only infallible exposition of God's will." Again, he says:—"We do not subscribe to it, (Augs. Conf.) because we do not believe that it is infallible; on the contrary, we think the *ideas* conveyed in some of its articles, *unauthorized by God's word*. With the spirit, with the great mass of truth conveyed in the Augsburg Confession, etc., we agree; but we differ from its *letter* in several passages."

Another distinguished Professor in a Theological Seminary, and attached to the General Synod, in a letter to a Lutheran Minister in this state, under date of January 6, 1843, says: "Suffer the *Augsburg Confession* and the General Synod to have a little more rest. There is no minister connected with the General Synod or its Seminary (at Gettysburg) who is pledged implicitly to that or *any other confession*. We profess only to believe that the Augsburg Confession contains the fundamental doctrines of the Scriptures and teaches them, not in all respects as we do, but in 'a manner substantially correct.' Surely this is liberty enough, for any man who ought to call himself a Lutheran."

I will add only one more testimony on this point. It is that of the late and lamented DR. CHRISTIAN ENDRESS. He was one of the Delegates in the Pennsylvania Synod to the convention in 1820, and assisted in drawing up the Constitution of the General Synod. In the discussions concerning that constitution and the symbols of the church, which took place immediately after the convention, he addressed a letter to the Rev. J. P. Schindel, Sen., dated *Lancaster, July 25th, 1821*, from which I make the following extracts:

“The protestants had been calumniated before the emperor and princes. In opposition to these calumnies, Melancthon, with the consent of Luther, penned the so-called *Augsburg Confession*, and then subscribed by the protestant princes, &c. Observe well—the *princes* &c. favorable to Luther's doctrine signed it. *Not the Ministers*—they treated the whole affair as not really a church matter. It was presented to the emperor and princes at the Diet on the 25th of June, 1530, as an *apology* and confession to oppose the calumnies which were raised against them. This apology, however has *now* become a symbol or confession of faith in the church, although our *fathers had by no means designed it as such*.

“When you ask me: ‘Whereby are we distinguished from the Roman Church?’ I do not understand you as asking from me, a full exhibition of the distinguishing points,—you put the question only in regard to our confession. And it seems to me, I can answer the interrogatory, very clearly, by another question: Before the Augsburg confession was presented to the princes of the empire, were not the Reformers and their adherents, yet distinguished from the Roman Catholics? Congregations had already been established *thirteen years before*; for six years previous to this time, the whole of Saxony, separated itself from the Romanists,—and for some years Brandenburg, Prussia, Moravia, Sweden and Denmark had been reformed!

“What was then their confession of faith? By *what* were they *then* distinguished? Dear brother, they distinguished themselves by *peremptorily, absolutely* refusing to receive or acknowledge, as confession of faith the writings and dictates of *man*. They would not suffer the opinion of the *Fathers* to be forced upon them—nor yet those of the pope or council. No! The Bible! the Bible! This book alone should be and should remain the foundation of their faith. This showed difference enough between them and the Roman Catholics.”

If it is *prima facie* evidence, that the adoption of the symbolical books, by “the Evangelical Lutheran Church,” in 1580, was the faith and doctrines of all Lutherans and Lutheran churches or Lutheran Synods; why was it necessary for particular Synods or individual churches, formally to adopt said formularies or some one of them? This is not the case in the different conferences of the

Methodist Episcopal Church; or different Synods of the Presbyterian Church; or the Conventions of the Protestant Episcopal Church. The adoption of a creed by the highest judicatory, is of authority through all the lower bodies and churches. This fact, then proves most clearly, that these books, or the Augsburg Confession or any part of it, must be expressly adopted to make it binding and of authority. Evangelic Lutherans will "*not suffer the opinions of the fathers to be forced upon them;*" for this distinguishes them from Romanism, Churchism and Puseyism. For this reason, the Ohio, the Tennessee, the Indiana Synods and some others, have formally adopted all the symbolical books, and expressly the twenty-eight articles of the Augsburg Confession. None of these Synods belong to "The Ev. Lutheran Church in the United states," and as a general thing do not acknowledge said church as Lutheran.

Now, while I concede, as did the defendants, that the Augsburg Confession of faith, and all the symbolical books, contain the faith and doctrines of "The Evangelical Lutheran Church," in word, letter and substance; we do also affirm that neither are these books, nor even is the Augsburg Confession, received as the creed or confession of faith of all Lutherans; nor officially recognized by all Lutheran churches or synods; nor by the General Synod of the Lutheran church. This must be evident to your Honor, from what I have advanced and that upon unquestionable authority.

When only twenty-one articles out of twenty-eight, of a certain instrument, excluding certain essential clauses of those articles, are received, it certainly cannot be the instrument which is adopted; unless a part of a thing is actually the whole. And when those articles of said instrument, are not received *literally* and according to the plain import of the language, but as teaching doctrines "*in a manner substantially correct,*" it is equivalent to asserting, that we believe said articles, according to our own views and constructions of them.

I proceed to examine one more point in connection with this subject. On page 16, your Honor says: "The first great issue in the case is thus presented; was the *property* of these corporations held upon the trusts alleged by the complainants?" "In the case before me we set out with one advantage—we know that the church-

es were founded and established as *Evangelical Lutheran Churches*." (p. 17). Again,—“I find that these churches were founded as *Evangelical Lutheran Churches*, by the descendants of Lutherans who fled from Germany to avoid religious persecution.” (p. 37.)

That these churches were established as *Evangelical Lutheran churches* is undeniable. There is no dispute on this point. We agree in the facts, as stated by your Honor, (p. 14.) that “in 1789, the society was designated by the name of *the Lutheran Congregation of Cobleskill and New Durlach*; and it is conceded that the church was then organized as *an Evangelical Lutheran Church*.” Your Honor also says, (p. 16.) “They (the defendants) admit that the society or congregation from which these churches sprung was *a Lutheran church*.”

And because this fact is established and also conceded by the Defendants, your Honor draws the conclusion: “It is thus ascertained that *the property* in controversy was *bestowed* for the support of the *doctrines and tenets* of the *Evangelical Lutheran Church*.” This is altogether assumed and contrary to the very statement.—The property was granted and bestowed in 1789, to the *Lutheran Congregation of Cobleskill and New Durlach*, and not to “*The Evangelical Lutheran Church*.”

Neither is it ascertained, except by your Honor’s assertion, that the property in question, was bestowed for the “support of the *doctrines and tenets* of the *Evangelical Lutheran Church*,” but “for the common use and benefit of said *Lutheran Congregation* forever.” The limitation is in general terms, and not restricted to the “doctrines and tenets” of any church. It must be evident that *an Evangelical Lutheran Church*, organized in 1789, cannot by any construction be “*The Ev. Lutheran Church*.” And for the same reason *two Evangelical Lutheran Churches*, cannot be *one church*, that is, “*The Evangelical Lutheran Church*.” The fact is, that property granted and conveyed “for the common use and benefit,” of *a Lutheran Church or Congregation*; and bestowed “for the support of the doctrines and tenets” of the *Ev. Lutheran Church*, are two very different things. This your Honor ought to have known. The two *Evangelical Lutheran Churches* in question, are and always have been independent of *the Evangelical Lutheran Church*. And my prayer to God is, that they ever may remain

thus independent of the church, or of any other consolidated ecclesiastical body.

Your Honor must understand by this time, that the venerated and "*time honored symbol*" of the Reformation, the Augsburg Confession, can not and never was intended to be forced upon Evangelic Lutherans of the 19th century, and that Lutherans were distinguished and known long previous to the time of presenting that instrument to the Diet of Augsburg.

THE BIBLE THE LUTHERAN STANDARD.

Another and more important subject presents itself for our consideration. In remarking upon the standards or symbolical books of the "Evangelical Lutheran Church;" your Honor says: "It is said by the defendants that the Bible *is*, (and I will assume that they intended to say it always *was*,) the sole standard of the faith and practice of the Lutherans." (p. 19.) Again, "The allegation of the defendants is, that the Bible is the only Lutheran standard, as it was of Luther himself. But this, as I have already said, is an evasion of the point. Martin Luther set forth in the Augsburg Confession, the great doctrines which the Bible, in his understanding of it taught and inculcated." (p. 31.)

My proposition is, that the Bible only is the *Lutheran standard*. The *onus probandi* will fall upon me, and I shall prove it most conclusively. My authority is such as none will dispute, and which your Honor has called to his aid.

The first authority to which I will refer, is the learned Dr. John Lorentz Mosheim, of whom you have spoken, as "a strenuous Lutheran, and in a great measure, the father of ecclesiastical history." His very able work on ecclesiastical history, was written while chancellor of the University of Gottingen, to which station he was appointed in 1747, and it was published in 1755, a short time before his death; and being 225 years after the Diet of Augsburg.

This learned Lutheran writer and divine, speaking of the fundamental principle and "fountain head" of the faith of Evangelic Lutherans, says: "The great and leading principle of the Lutheran church is, that the Holy Scriptures are the only source from whence we are to draw our religious sentiments, whether they relate to faith or practice; and that these inspired writings are, in

all matters that are essential to salvation, so plain, and so easy to be thoroughly understood, that their signification may be learned, without the aid of an expositor by EVERY PERSON of common sense who has a competent knowledge of the language in which they are composed. There are, indeed, certain formularies *adopted* by this church, which contain the *principal points of its doctrines*, ranged for the sake of method and perspicuity in their natural order. But those *books* have no authority but what they derive from the scriptures of truth, whose sense and meaning they are designed to convey; nor are *Lutheran Doctors* permitted to interpret or explain these books so as to draw from them any propositions that are inconsistent with the express declarations of God." (3 Mosheim Ecc. Hist. part 1, chap. 2: sec. 2.)

And although, as your Honor says, *every denomination or sect of christians* assert and maintain the same proposition, that the Bible is *their* only source of religious faith; yet I contend that there is not one protestant denomination, in which this principle is so engrafted and embodied in its very existence and organic structure. I do assert that the Bible *is* and always *was* the sole standard of Evangelic Lutherans. It has been so ever since 1517. There never was a period since that time, when the Bible was not the Lutheran standard. It was so in 1530, and such was the case in 1580; and also in 1746 when prof. Mosheim lived and wrote. The Bible was the standard in 1789 when the Lutheran Congregation in question was established. It has lost none of its vitality or force—and it is and ever will remain the "ground work" of the Lutheran faith and practice, notwithstanding the "human productions" mentioned by Dr. Mosheim in the same section.

This grand and fundamental principle, reiterated by Dr. Mosheim, a "strenuous Lutheran," contains the following points, viz:

1. That the Holy Scriptures are the *only source* whence Lutherans draw their sentiments of faith and practice; 2. That these inspired writings are so plain and easy to be understood, in all things essential to salvation, by every man of common sense, without the aid of *human productions* or expositors; 3. That there are certain formularies, called symbolical books adopted by the Lutheran Church, (in 1580) containing the *principal points of doctrine* arranged in systematic order; 4. That these books *have no authority*

in any point, but what they derive from the Holy Scriptures whose sense and meaning they were *designed to convey*; 5. That Lutheran doctors, theologians, teachers or professors are not permitted or allowed to interpret or explain these symbolical books so as to teach or convey any doctrine or proposition which is inconsistent with the *express declarations of the word of God*; or which those scriptures do not *expressly declare*.

These five points are the very life and essence of Lutheranism. This great principle was nobly exhibited by Luther at the Diet of Worms in 1521, and it grew and strengthened with the growth and progress of the Reformation. The symbolical books, as "human productions" have always been considered and regarded as secondary and subsidiary; and designed to convey the sense and meaning of the Holy Scriptures at the time when written and according to the understanding of the authors.

Dr. Lochman's "History of the Evangelical Lutheran Church," published in 1818, (p. 82) contains the very passage as cited by me from Dr. Mosheim.

The very same passage is placed first in the "primitive feature" of the Lutheran Church by Dr. Schmucker. He says: "The *first feature* embraces the fundamental principle *adopted* by the Church." Then follows the quotation from Dr. Mosheim, precisely as I have inserted it. He then adds: "This was the noble principle *adopted* by the Lutheran Church, a principle which has the cordial assent of every Lutheran in the present day, (1840) and in regard to which our only regret is, that though it was *adopted* in theory by all the protestant churches, not *one of them* had yet light and grace and charity enough consistently to practice it." (*Portraiture of Lutheranism*, p. 18, 19.)

Truly, this is a glorious principle. It is the great principle which we as Evangelic Lutherans carry out, because we have "light and grace and charity *consistently* to practice it." I glory in this *fundamental principle* and *primitive feature* of Lutheranism.—It was in successful operation, long before the Augsburg Confession was conceived of or brought to light. And it is on this grand platform, we differ and are distinguished from many protestants who *profess* the principle, but deny it in *practice*. It is a matter of

deep regret, that there are so many christians who are protestant in *principle* and Popish in practice.

Now, your Honor must certainly understand, for it is not "a sublime and incomprehensible mystery," which *we* require you to believe; but it is a plain truth; that if the Bible is the paramount and authoritative standard, then human productions and formularies cannot be at the same time the ruling and controlling standard. If the Bible is the grand source whence to draw and derive our religious opinions, then most assuredly we are not bound by the writings of men or the mere standards of the church. You are undoubtedly well acquainted with the just maxim of law, and I suppose of equity too, that "derived power cannot be superior to the authority from which it is derived." Who is it that cannot understand this? If this principle prevailed in 1530, when the Reformers drew from the Bible their religious sentiments and doctrines, if it was in full force in 1755, when that "strenuous Lutheran," Dr. Mosheim lived; if this same principle was the "ground work," in 1818, when the devoted Lochman wrote; and if this *primitive feature* was not obliterated or revoked in 1840, but on the contrary had "the cordial assent of every Lutheran;" then it existed in 1789, as well as in 1837, when the "Franckean Evangelic Lutheran Synod" was organized. The Declaration of Faith of that Synod was drawn from the "fountain head" and great source of truth and light. It is on this account that our Evangelic Lutheran Churches believe the Declaration, *because* it agrees with the Bible; and not because Luther, or the Fathers or the council of Nice or of Trent believe it.

And that the doctrines of the "Declaration of Faith" do not agree with the Scriptures of truth, has not yet been proved, either by your Honor, or any doctor or professor of divinity. None yet have had the hardihood to attempt it. But allow me to assure your Honor, that the Declaration of Faith of the Franckean Synod, in the ecclesiastical sense, is neither Unitarian nor Calvinistic nor Romish; but that in its CENTRE stands the great doctrine of *justification by faith* only, clear as noonday; which Luther called the *article of a standing or falling Church*, and which no Unitarian professes nor a Roman Catholic or *Puseyite* believes. Such an article would completely disjoint and overthrow a Socinian, or Uni-

tarian or Romish creed. The Declaration of Faith is a harmonious instrument, for all its parts are true ; and it is unnecessary to *mutilate* it and break it into *fragments*, to cleanse and purify it from rank Romanism and glaring absurdities.

Luther never regarded the Reformation as complete, but constantly exhorted his friends to study the Bible. "Had not," says Dr. Schmucker, "his (Luthers) works, but the Bible been regarded as the grand source of religious light, as the grand subject of continued study, and had the Augsburg Confession *alone* been received as an *auxiliary test* ; the church would have enjoyed much more peace and the whole field of doctrine, except the few points determined in that confession, would have been open to free continued study and scrutiny in the light of God's word." (*Portraiture of Lutheranism*, p. 39.)

My proposition is fully sustained by Dr. B. Kurtz, Editor of the Lutheran Observer. In his work published in 1843, entitled "*Why are you a Lutheran?*" (pp. 13, 15) he says : "I remark, that I am a LUTHERAN—because I most heartily approve of the *great fundamental principle of Lutheranism*, which is, that the inspired writings, apart from all human tradition, are the only unerring source of religious knowledge and the only infallible rule of christian faith and practice. The Lutheran church regard the Bible as so plain and easy to be understood in all that is essential to salvation, that its signification may be learned without the aid of an expositor, by every person of common sense, who is able to read it.—This glorious principle was boldly asserted, nobly contended for and triumphantly vindicated and established by Luther ; and subsequently adopted by *all Lutheran churches* throughout christendom. Should it be objected that like other denominations, Lutherans have in *addition* to the word of God, their symbolical books ; I would remark that these books have no authority beyond what they derive from the scriptures of truth, whose sense and meaning they are designed to convey."

I will trouble your Honor with but one more testimony. It is the testimony of the late pious, learned and devoted CHRISTIAN ENDRESS. But few, if any among the divines of the 19th century obtained a higher reputation than Dr. Endress, for liberal and enlightened views of divine truth. He was an Evangelic Lutheran

in the full sense of the word. Muhlenberg, Lochman and Endress were our *Trinity* of strong and mighty men for the Bible. He has slept the last sleep in death; he has triumphed in that last battle; and now shines in immortal life and glory, while a blaze of glorious light is left behind him. Dr. Endress was a prominent member of the convention which formed the Constitution of the General Synod, in 1820. A few more quotations from the letter written by him in 1821, and already mentioned must suffice.—Speaking of the General Synod and the authority of human creeds, he says:

“As we have hitherto received the Augsburg Confession and Luther's Catechism and Melancthon's apology, so I have no objection that they should be kept in the same reverence and respect as our *peculiar* documents; but not to overrule the Bible. For by *this* shall the Lutheran church forever distinguish itself from all other religious connections, that the *Bible*—the *Bible* solely shall remain the only sun in Christ Jesus, and that we rest upon human declarations of faith in so far as they receive their *light*, more or less from that great LIGHT.

“I may now be able to answer your question in a few words, as follows: By what are we distinguished from the Roman Catholic Church? Answer. The great distinguishing point is: The Bible is *our* sole and only foundation of faith. The Catholics have usages, customs, councils and popes. From *this* results all the rest. Had the Confession of Augsburg &c. been the distinguishing point, Luther and his followers would have remained Catholics until 1530.

“Why do we call the Augsburg Confession a Confession, if it is none? Answer. It was a confession of faith and is yet. Those however, who originally handed this instrument to the Diet, *as such*, did not intend that it should be a *confession of faith* for all future christian generations;—it was not drawn up for that purpose. Their object was merely to defend themselves against the slanders and accusations of their enemies, and Luther and Melancthon and the princes called it positively *their* apology.

“What shall I answer on the question: What is the confession of faith of the Lutheran Church? Answer. I will not dictate to you what you should say, but, if I should be asked, I would say,

first and principally, and solely and alone; the Holy word of God, contained in the writings of the scriptures and apostles."

Dr. Endress in speaking of the *Formula Concordiae*, which is the last of the Symbolical books of the Lutheran Church; says that it is "a book that has done much harm and mischief in the Lutheran Church. It was in the last century, *der zank apfel* and a fire-brand in the Church." And concerning this Symbol, he solemnly declares, "*I would suffer both of my hands to be burnt off before I would subscribe that instrument.*"

I shall make no comments upon these extracts from Dr. Endress. They need none, for they are plain, lucid and conclusive in regard to the rule of faith for Evangelic Lutherans. For thirteen years previous to the Diet of Augsburg, Lutherans had no other standard but the Bible; and the Bible has continued to be the standard to this day.

Here I shall raise the question, and an important one it is, which must be decided. Is the very element, the fundamental principle and organic structure of Lutheranism of any avail? Is it real, or is it ideal? Is there any sense or meaning in the language used by the eminent and learned writers and divines whom I have adduced as testimony in regard to the Bible being the sole and paramount Lutheran Standard? Is it really to be understood according to the well known import of language, or is it with them, as your Honor said of my language, that it is a "*mere play of words*?"—No, they speak the truth sincerely and lie not. Suppose other denominations and sects *profess* the same principle; and yet they determine their faith and practice by their respective Creeds. What have we to do with the *professions* of men. Suppose they *profess* christianity and *live* Mahomedans? Can the *professions* of other denominations destroy and annul the glorious principle established by Lutheran himself, and "*adopted by all Lutheran Churches throughout Christendom*?" That is a visionary dogma.

Again, it may be asked, who is to declare what the Bible teaches as doctrines to be believed and preached? Is the answer given, that it is *the Church*. That is downright Romanism—this is rank Churchism; nay it is Puseyism. Lutherans, as protestants will never submit to such a doctrine. They claim the right to judge for themselves. The Bible, and the Bible only is the religion of Pro-

testants; and by the Bible protestants must be judged. And so your Honor, and all judicial tribunals, especially in this land of Christianity and religious liberty, should and ought in justice to decide. Protestants must be judged according to their *professions*, and not according to their Romish practice. No property in a protestant country, should be allowed to be *entailed* upon the religious opinions and doctrines of men, however pious and learned they may be. If this principle should prevail, how easily, how justly it would settle all difficulties, controversies and contention concerning temporalities among Christians. How few of such unpleasant and unprofitable litigations, as the present under consideration, would ever occupy the records of a Court of Equity.

The conclusion is inevitable, that the Bible is the sole and primary rule—the governing principle—the highest authority with Lutherans in determining their faith and practice. And as it was adopted by *all Lutheran Churches throughout Christendom*, it is *prima facie* evidence that it was so received by the *Lutheran Congregation of Cobleskill & New Durlach* in 1789—that it requires direct proof to establish the contrary;—and it is also clear that “the faith, doctrines and tenets of the founders of these Churches” cannot be ascertained by “the symbolical books of the Evangelical Lutheran Church.” (p. 19.) And it must follow from these premises, that whatever may have been the faith of the grantors, or even *donors*, it was necessary in the grant and trust, expressly to restrict the property to *the use and benefit of teaching the doctrines of the Augsburg Confession of faith*, and for no other purpose, in order to take it from the doctrines of the Bible and transfer it to a venerated and time honored creed.

THE DECLARATION OF FAITH.

The *fourth division* of your Honor’s “Opinion” is next in order. I give it the above title, because it is strictly an examination of the doctrines of the “Declaration of Faith” of the Evangelic Lutherans of the Franckean Synod. It is the “next great issue between the parties,” on account of the “alleged perversion of the trusts in question by the defendants.” The Complainants charge the defendants with having “abandoned and repudiated the Augsburg Confession of Faith in these Churches; and organized with other

(Evangelic Lutheran) Churches, a new and independent Synod, and adopted a new declaration of faith, at variance with the faith of the Evangelical Lutheran Church."

Now, the question is, what are the doctrines of the Declaration of Faith? According to your Honor's statement, the bill charges that the *Declaration of Faith* differs from the *Augsburg Confession* in these *three essential* particulars, viz:

"1. It does not maintain and declare the doctrine of the Trinity, or that the three persons constituting the Godhead, are equal in power and glory; or even that there are three persons constituting the Deity. 2. It does not declare or admit the Divinity of Jesus Christ, or his equality with God the Father. 3. It does not teach or declare that man will be condemned to punishment in a future state, because of original or inherited sin, unless it be repented of; or that it condemneth all who are not born again of water or of the Holy Ghost." (p. 39.)

Is the Declaration of faith at variance with the Augsburg Confession on these three points? The first doctrine is the *Trinity*, and the better to determine this question, I shall present the articles from both instruments, as follows:

DECLARATION OF FAITH.—"OF GOD AND CREATION."

(We believe) "That there is only one true and living God, and that in this one God, there is a distinction of three, revealed in the Scriptures, as the Father, the Son and the Holy Ghost; inseparably connected with one another, possessing the same essence, and equal and alike infinite and immutable, in all natural and moral perfections; the Almighty Maker of Heaven and Earth, and of all things visible and invisible."

AUGSBURG CONFESSION.—"OF GOD."

"In the first place, we unanimously teach and hold, agreeably to the decree of the council of Nice, that there is on'y one divine Being, who is called, and truly is God; but there are three persons in this only Divine Being, equally powerful, equally eternal; God the Father, God the Son and God the Holy Ghost; all three one divine Being, eternal, without parts, of unmeasurable power, wisdom and goodness; the Creator and preserver of all things visible and invisible."

We have the *Declaration* and the *Confession* before us. Now

what do the defendants say? According to your Honor's statement: "The defendants by their answer, deny that the Franckean (Synod?) declaration of Faith is essentially variant from the Augsburg Confession, in respect of the doctrine of the Trinity, or that it is in anywise Unitarian. And they aver that it declares essentially the doctrine of the Trinity, as professed and believed by the whole denomination of Lutherans."

The answer of the Defendants I am now prepared to sustain, and to prove satisfactorily and conclusively, that there is no *essential difference* between the two articles in regard to the doctrine of the Trinity; that the Declaration declares and avows *essentially* the doctrine of the Trinity, and that it is in nowise Unitarian in respect to this subject.

When I affirm that the declaration teaches and inculcates essentially the doctrine of the Trinity, I mean that it declares it *absolutely* and *Scripturally* and in its full extent. I despise the equivocal and ambiguous subterfuge, in asserting that the *Declaration* teaches the doctrine of the Trinity "*in a manner substantially correct*," but I mean that the Declaration contains the very essence, spirit and existence of the doctrine. For this purpose I am to show that *the Father is God, the Son is God and the Holy Ghost is God*, "all three one divine Being."

Let us enquire, how far do the Articles of the *Declaration* and *Confession* agree in that which is not essential? They agree in the title of the Articles, "of God." They also agree, in that neither article uses the word *Trinity*. Neither instrument determines any thing about that term. Trinity literally means no more nor less than just *three*. In a work entitled "Sketch of the Denominations of the Christian World," by John Evans L. L. D., published in this country from the 15th London edition, p. 66, he remarks: "The word *Trinity* is not found in the Bible, but is a scholastic term derived from the Latin word *Trinitas*, and was (some say) introduced into the church during the second century. Calvin himself reprobates the term, as being *barbarous*, and of human invention." Dr. Priestly says: "The first appearance of the word *Trinity* is in the writings of Theophilus, bishop of Antioch, but it is not clear that by it he meant a Trinity consisting of the same persons that it was afterwards made to consist of; and certainly not

a *Trinity of persons* in the Godhead." It is evident that it was introduced in the second century, for Theophilus, the Bishop of Antioch, although a christian convert, was born and educated a heathen and died in 182. The word is used in no creed or confession until it appears in the Athanasian confession; and of which confession Arch-bishop Tillotson, writing to Dr. Burnet, the historian, says: "I wish we were well rid of it."

The next question to be settled is, in what points do the *Declaration* and the *Confession* plainly and explicitly disagree, which are not essential? The *Confession* disagrees from the *Declaration* in the phrase: "God *the* Father, God *the* Son and God *the* Holy Ghost." This phraseology is not essential, because it is not contained in the Latin version of the article, which was first written; and to say the least of it, it savors of Tritheism or three equal and distinct Gods. This part of the *Confession*, the *Declaration* rejects, because it is not necessary to the scripture doctrine of the Trinity. They also disagree in the use of the word *persons*; each article mentioning *three*, but the *Declaration* omits the word *persons*, and supplies it with the word *distinction*. I will now examine this difference as respects the word *persons*.

Before I enter upon this part of my subject, I must submit a single remark. A Creed, Confession or a Declaration of Faith, should be plain, intelligible and explicit. Your Honor agrees with me on this point. Immediately after you cite the *article* of the declaration, (p. 44) you say: "This the Defendants insist exhibits the doctrine of the Trinity in its fullest extent;" and then you add—"if such were the design, why did they not adopt the first article of the Augsburg Confession; *the language of which is at once so plain, intelligible and explicit, and which requires no resort to theological dictionaries or class books, to be understood by the most unlettered christian.*" And again, "In order to avoid the conviction that it is a departure from the faith of the Lutheran founders, it should have propounded the doctrine of the Trinity in *plain and explicit language*, which construction could not pervert or circumvent," and on page 57, you "presume that the Franckean Lutherans, when putting forth a declaration of Faith for the information of their own people and the world, the *unlettered as well as the learned*, intended to use *language in no technical or professional sense, but in its ordin-*

dinary and every day meaning." According to your Honor, the Augsburg Confession, is plain and intelligible, easily understood by the *unlettered* as well as the *learned*, and uses *language in no technical or professional sense, but in its ordinary and every day meaning*; but the Declaration is the direct contrary.

I am now to enquire what is meant by the word *persons*? The Confession says, that "there are three *persons* in this only divine Being." I shall call upon Noah Webster as authority, and it will not be disputed but that he knows the meaning of words. He says: "Person. L. *persona*, 1. An individual human being consisting of body and soul. 2. A man, woman or child, considered as opposed to things or distinct from them. 3. A human being, considered with respect to the living body or corporeal existence only. 4. A human being *indefinitely*, one, a man. 5. Character. 6. Character of office."

According to Dr. Noah Webster's English Dictionary, the above is the "ordinary and every day meaning" of the word *person*, and so it is of every man of "common sense." It certainly is plain and can easily be understood by the *unlettered christian*! No resort here to *class books* and *theological dictionaries*! In the *ordinary sense* of the word, the phrase will read thus: "There are three *individual human beings, consisting of body and soul*, in this only Divine being," and one of these *human beings* may be a *man*, the other a *woman*, and the third a *child*, "considered as opposed to things and distinct from them."

How do other writers agree with the above definition? We shall see. Dr. Waterland, than whom no writer in defence of the Trinity, has had a higher reputation, says: "By *person*, I certainly mean a real person, an *Hypostasis*, no *mode*, *attribute* or *property*. Each divine person is an individual, intelligent agent, but as subsisting in one undivided substance, they are altogether in that respect, but one undivided intelligent agent. The church never professed *three Hypostases*, in any other sense, but as they mean *three persons*."—(*Vindication of Christianity*, pp. 350, 351.)

Dr. Wm. Sherlock, an eminent Trinitarian says: "To say that there are three divine persons, and not three distinct and infinite minds is both heresy and nonsense. The distinction of persons cannot be more truly and aptly represented than by the distinction

between three men; for Father, Son and Holy Ghost, are as really *distinct persons* as Peter, James and John. We must allow the divine persons to be real, substantial beings."—(*Vindication of the Doctrine of the Trinity* 1690, pp. 66, 105, 47.)

These learned writers and eminent divines define a *person* to be a *real person*, a *substantial being*, *three distinct infinite minds*; the persons are really distinct, as Peter, James and John. A *real person* is an "Individual human being," and three distinct persons as Peter, James and John, with "*three infinite minds*," would make the phrase to read: "There are three *persons*, i. e., *three individual human beings*, with *three infinite minds*, in this only divine Being." But says Dr. Miller, of the Princeton Theological Seminary, by person, "we by no means understand it, in a gross or carnal sense."

But the Augsburg Confession may give us some light on this subject, for its language, in your opinion, is plain and easily understood. Your Honor perhaps was not aware that it gave a definition of the word *person*. It is the last paragraph of the first article. (Vide Schmucker's El. Popular Theol. p. 44.) I shall quote from a translation made by E. L. Hazelius, D. D., then Prof. in the Hartwick Theol. Seminary, and published in 1828. It reads thus: "And they use the term *person*, in that signification in which ecclesiastical writers have used it in this case, so that it doth not signify a part or quality in another, but what exists of itself."

The question will naturally arise does the Confession use the word *person* in the "*ordinary and every day meaning*," or in a "technical or professional sense?" Are we required to "resort to theological dictionaries and class books" to understand it? No, for the Confession determines the meaning, and declares that it is and must be used in the same sense in which "ecclesiastical writers" have employed it. But how have ecclesiastical writers understood it? Why simply not to "signify a part or quality in another, but *what exists of itself*."

A person, then, is not a "part or quality in another" person or thing, but that which *exists of itself*. I should think this was not so very plain and intelligible. Does your Honor comprehend it? Self-existence, is a perfection which only belongs to God; and that thing or whatever else it may be, which *exists of itself*, must be the eternal God; and if each one of the *three persons* are *self-existent*

they are independent of each other, and then we most clearly have *three self-existent Gods*; that is, TRITHEISM. That is the way I have always understood it? Am I correct?

The "*most unlettered christian*" may perhaps be able to comprehend your Honor's definition. I find it on page 51, and reads thus: "The word *person* is used to express that individuality and distinction of one from the other, which constitutes the sublime and confessedly incomprehensible mystery, which Trinitarians believe." Permit me to ask your Honor, is this the "ordinary and every day meaning" of the word *person*? I venture to say that we shall need some class book or Lexicon, not yet published, fully to comprehend your Honor's definition. What is a person? Why, it is a "word used to express that *individuality* and distinction of one from the other." Individuality, says Dr. Webster, is "a distinct state or existence;" and therefore a person expresses, "that *distinct state or existence* and distinction of one from the other" person or thing. And "that individuality and distinction of one from the other" is that which really "constitutes the sublime and confessedly incomprehensible mystery." Trinitarians, your Honor says, believe this; that is, they believe what is incomprehensible. I must confess that your Honor is about as *lucid* as the Augsburg Confession.

But your Honor says, (p. 44,) that the language of the first article of the Augsburg Confession is so "plain, intelligible and explicit, and requires no resort to theological dictionaries or class-books, to be *understood* by the *most unlettered christian*." The matter then stands thus: The most unlettered christian can *understand* without the aid of theological dictionaries or class books, that which "constitutes the sublime and confessedly incomprehensible mystery." The most unlettered Trinitarian christians can *understand* what they can not *comprehend*.

However, your Honor adds; "I say, *understood*, so far as this holy and sublime mystery may be *understood* by men in the present life." Now I begin to get your Honor's idea. This holy, sublime and confessedly incomprehensible mystery can be "*understood*" so far as it can be "*understood*" by the most unlettered as well as learned christians in this life. What a mass of inconsistencies and contradictions! The whole conclusion of the matter

is, by your Honor's own showing, that it is not *understood* by any one—that it is unintelligible and inexplicable. This doctrine of *three persons* in one divine being; this Athanasian Trinity, is called a *mystery*, not in the sense in which that word was originally used, to signify a thing that was *secret* and required to be explained and taught; but something absolutely *incapable of being explained*; something, although it is clearly revealed, must be believed, though it cannot be understood.

I will now dismiss this part of the subject, with the remarks of Bishop Taylor. He observes that "he who goes about to speak of the *mystery of the Trinity*, and does it by words and names of man's invention, talking of essences and existences, hypostases and personalities, priorities and co-equalities, and unity in pluralities may amuse himself and build a tabernacle in his head, and talks something he knows not what: but the good man who feels the power of the Father, and to whom the Son is become wisdom, sanctification and redemption and in whose heart the love of the spirit of God is shed abroad—this man, though he understands nothing of what is unintelligible, yet he alone understands the *christian* doctrine of the Trinity."

The way is not yet precisely clear for me to enter upon the defence of the Evangelic Lutheran "Declaration of Faith." From some remarks which your Honor made, it appears that you think that the Nicene Creed settled by 318 bishops in 325, teaches that "there are *three persons* in the only divine Being" or *three persons* constituting the Deity. Speaking of the Roman Catholic faith (p. 44) you say: "It then proceeds with the Confession of Faith in the words of the Nicene Creed; *which, I need scarcely say affirms three distinct existences or persons in one God*, who are equally adored and glorified." This statement of your Honor I cannot admit. The best evidence that I can have of its incorrectness, is the instrument itself. The Augsburg Confession, so far as the *first article* is concerned, is said to be based and founded upon the Nicene Creed; and in fact this Creed is the second symbolical book of the "Evangelical Lutheran Church." The Confession says: Our churches *unanimously* teach, agreeably to the council of Nice;—this creed, therefore, becomes important on this account. The following is a translation of it by Dr. Murdock, and reads thus:

"We believe in one God, the Father Almighty, the maker of all things visible and invisible: and in one Lord Jesus Christ, the Son of God, begotten of the Father, only begotten, that is, of the substance of the Father; God of God, Light of Light, very God of very God; begotten not made; of the *same substance with the Father*; by whom all things were made that are in Heaven and that are in the Earth: who for us men, and for our salvation, descended, was incarnate, and became man; suffered, and rose again the third day, ascended into the heavens; and will come to judge the living and the dead: And in the Holy Ghost. But those who say, that there was a time when he was not, and that he was not, before he was begotten, and that he was made out of nothing, or affirm that he is of any other substance or essence, or that the Son of God is created, and mutable or changeable, the Catholic church doth pronounce accursed."—(See Mosheim's *Ecc. Hist.* by Murdock, Vol. 1: p. 291, note 22.)

It has generally been taken for granted that the Nicene Creed taught the doctrine of *three persons* in one divine Being, but this is a manifest error. The words deemed of vital importance in this doctrine are entirely omitted in this creed. The words *Trinity*, *person* or *three persons* and such like are not to be found in the whole creed. The creed speaks of a Trinity, the Father, the Son and the Holy Ghost; but it does not distinctly assert that the Father, Son and Holy Ghost, are one God, or that in the *Godhead* there is a distinction of Father, Son and Holy Ghost. The divinity and equality of the Holy Ghost, with the Father and the Son, is not asserted in any manner. The Nicene Fathers, "after various altercations and conflicts," do decree and assert in opposition to Arius, that Jesus Christ, the *Son of God*, was begotten of the Father, and "*of the same essence ('omoousios')* with the Father."

Dr. Murdock, in the work before quoted, says: "The creed used in the Catholic, Lutheran and English Churches, called the Nicene Creed, is in reality the creed set forth by the council of Constantinople in the year 381." This council added the following words to the *Holy Ghost*: "*The Lord and giver of Life, who proceeded from the Father, who with the Father and the Son together, is worshipped and glorified, who spake by the prophets.*"

Speaking of the Council of Constantinople, Dr. Mosheim (Vol.

1 p. 306) says : " One hundred and fifty bishops, defined fully and perfectly the *doctrine of THREE PERSONS* in one God, as it is still professed by the great body of christians, which the Nicene Council had only in part performed." I cannot admit the statement of Dr. Mosheim, that the "*doctrine of three persons* in one God," was fully settled and defined, for there was no such thing done by the Council. But it fully decided upon the divinity of the Holy Ghost. *The Holy Ghost was declared to be God*, which was not the case before. This council fully defined and settled the doctrine of the Trinity but not of *three persons* in one God.

The fact, however is, that the Athanasian Creed is the very first creed that teaches the whole "*doctrine of three persons* in one God." It contains expressly all the words and terms necessary for establishing the doctrine. Let it speak for itself. It is as follows : " The Catholic faith is this, That we worship one God in *Trinity*, and *Trinity* in *Unity*; neither confounding the *persons*, nor dividing the substance. For there is one person of the Father, another of the Son and another of the Holy Ghost. But the whole *three persons* are co-eternal and co-equal. So that in all things, as is aforesaid, the *Unity* in *Trinity*, and *Trinity* in *Unity* is to be worshipped. He therefore that will be *saved*, must thus think of the *Trinity*."

The *ATHANASIAN*, is the true creed of the "*doctrine of three persons* in one God." When and by whom this creed was composed is a *mystery*. It is admitted not to have been written by Athanasius, who died in 373. It made its first appearance in the fifth century. It is ascribed by some to Vigilius Tapsensis. Dr. Waterland supposed that Hilary, bishop of Arles in the fifth century was the author. Others say it was written in Latin in the sixth century. It is worthy the doctrine it advances. The whole creed, of which I gave only a part, contains a number of direct contradictions; but like the doctrine of Transubstantiation it is maintained and defended by the veil of incomprehensible mystery. And if in some few Protestant churches, this creed is no longer used, yet they have substituted other creeds of the same tenor and phraseology; and based wholly and entirely upon this fatherless instrument of the fifth century.

The Nicene and Constantinopolitan Fathers, even among their

contentions and altercations, had too much "common sense" than to insert in their creeds the "doctrine of *three persons* in one God;" or that "there are three persons *constituting the Deity*." They were too Biblical yet in the fourth century. And the Reformers should never have consented to have it placed in the Augsburg Confession, contrary to the express and explicit language of the creeds of 325 and 381. Many of them did strenuously oppose it, among whom was MARTIN LUTHER. My authority for this statement, among others, is that of Dr. Schmucker, (*Biblical Theol. translated from Profs. Storr and Flatt, Vol.1, p. 406.*) where in a note he says: "Much was said about the time of the Reformation, concerning the tendency of these terms (*persons, etc.*) to lead to Tritheism; and among the advocates for their expulsion from Theological disquisitions, might be mentioned a number of the first divines of the age, not excepting Hunnius and even Luther himself. Yet to prevent the charge of Arianism or Socinianism, which he knew his enemies would eagerly seize the least pretext to prefer against them, Luther yielded to Melancthon's wishes, and in the Augsburg Confession, the doctrine of the Trinity is couched in the *old scholastic* terms." Yes! Martin Luther *yielded*, as we do in many things at the present day; and in consequence of *yielding* to the wishes of a pious and learned man, who never was more than a half reformer, we have stereotyped for eternity *scholasticism* and sublime absurdities. I think it must be evident that the word *persons* is not essential in the doctrine of the Trinity.— I will now give a version of the *first article* of the Augsburg Confession, omitting merely the word *persons*, which occurs but once; and then in every other respect it will correspond with the Latin copy. It will read thus:

"In the first place, we unanimously teach and hold, agreeably to the Decree of the Council of Nice, that there is only one divine Being, who is called and truly is God; but there are three — in this only Divine Being, equally powerful, equally eternal; the Father, the Son and the Holy Ghost; all three one divine Being, eternal, without parts, without end; of unmeasurable power, wisdom and goodness; the creator and preserver of all things, visible and invisible."

Will any person hazard his reputation as a theologian, and deny

that the doctrine of the Trinity is taught in the above version, in its essence and full extent. It teaches *now* in plain language, that there is one God; that *in* this one God there are three, the Father, the Son and the Holy Ghost, who are equal in power, eternity, wisdom and goodness; and that all three are one divine being, the Creator and preserver of all things, etc.

The next topic will be my *Defence* of the "Declaration of Faith," of the Evangelic Lutherans of the Franckean Synod. I promised to show that it teaches in its essence, fully, clearly and scripturally the doctrine of the Trinity. For the purpose of illustration, I will divide the article into these four essential points, viz: (We believe.)

1. "That there is only one true and living God;"
2. "That *in* this one God, there is a distinction of *three*, revealed in the scriptures, as the Father, the Son and the Holy Ghost;"
3. That these three are—"inseparably connected with one another, possessing the same essence, and equal and alike infinite and immutable, in all natural and moral perfections;"
4. That these three are—"The Almighty maker of Heaven and Earth, and of all things visible and invisible."

The Augsburg Confession, contains the same four points, as can easily be seen by a comparison. They contain just what is necessary to express and define the Scripture doctrine of the Trinity.—And I challenge any man, who professes to be a theologian, to prove said article to be *Unitarian*, or that it is not decidedly *Trinitarian*. To be sure, it does not involve absurdities and mysteries, but it is plain and easily to be *understood*; and I mean *understood* by man in this world. If I have not *already* shown, then I will show most conclusively, that the word *person* is not necessary to express the doctrine of the Trinity; nay, that it is wholly and entirely unscriptural, and completely destroys the doctrine by imputing *humanity* to the nature of Jehovah. I have shown, that it was not used in any of the Creeds of the first four centuries; that Athanasius was slandered by having the creed called by his name, attributed to him, as it never made its appearance until after his death; and that this creed first contained the ill-fated word *person*, which has been handed down, from the *aberrations* of one man,

like *original sin*, even to the nineteenth century. I have shown that the word *person* was strenuously opposed in the time of the Reformation by the most eminent divines of that age, and even by that Bible-man Martin Luther; and that he only yielded for the use of it, to the urgent entreaties of the timid Melancthon, who was constantly harrassing Luther, with the fears of ultraism, Arianism, *Unitarianism* and such like epithets which might be charged upon him by his opponents. It is evident from the uniform omission and the opposition to the word, that it was not considered essential in defining this doctrine; or that the doctrine cannot be defined clearly and scripturally without it. Therefore your Honor's remark on p. 53, in regard to the Article of the Franckean Synod, "That if the word '*persons*' had been inserted, they would, in so much at least, have harmonized with the Augsburg Confession," amounts to just nothing.

There is no dispute but that the article of the "Declaration of Faith," teaches the doctrine that there is "only one God;" nay, your Honor charges this upon the *Declaration*, that it is palpably *Unitarian*. So far as Unitarianism is concerned, the Augsburg Confession also teaches that there is "one only God." Who is it that believes in *three* Gods? But the question is, does the Declaration teach with the Confession—"that the three in the Divine Being, (the Father, the Son and the Holy Ghost,) are *equally powerful*, equally eternal; and that all three are one divine Being, of unmeasurable power, wisdom and goodness." All this the Declaration clearly and explicitly teaches, as I shall now show.

In your Honor's close scrutiny and examination of the supposed defects of the Declaration of Faith, you state on pp. 55, 56, as follows: "There is another defect, which it is alleged, distinguishes the Franckean (Synod?) declaration in respect of Jesus Christ and the Holy Ghost. The Augsburg Confession declares that the three *persons* in the divine Being called God, are *equally powerful*, equally eternal; and that all three are one divine Being of unmeasurable power, wisdom and goodness. Let us assume for this part of the argument, that the Franckean (Synod?) declaration does assert the existence of *three persons* in the one true God. Does it assert that the Son and the Holy Ghost are *equally powerful*, and equally eternal with the Father? It will not suffice to answer this by saying

that as they are one with the Father, they must necessarily be equally powerful. Luther, Melancthon and the German protestants in 1530, deemed it essential to declare this equality in express terms. The principal christian denominations, adopting the Trinity, have all deemed it necessary. Accordingly the Defendants insist that the article in question, does avow and express this doctrine. They find it in the words, 'equal and alike infinite and immutable in all natural and moral perfections.' The first words 'equal and alike infinite,' (and immutable, also?) are limited to those which succeed, and qualified by them. The whole point therefore turns upon the meaning of 'natural and moral perfections.' " Again—"It cannot be denied, that if the Franckean (Synod?) declaration is to be construed by this book, (*Theological Classbook by W. Cogswell*) it does declare the equality in power of the Son and Spirit with the Father, and that they are equally eternal."

This last paragraph contains an important *concession*. It reduces our discussion to very narrow limits. The point in question might be determined in a very few words, and I feel so very confident in regard to it, I scarcely know where to commence. But as I am not writing precisely for my own amusement, I have concluded to be more extensive on this topic, than what is actually necessary, with the hope, though an humble and unworthy instrument, I may benefit in some measure your Honor as well as those *Theological Professors and Doctors of Divinity*, with whom your Honor consulted, and of whom you sought for information.

Your concession amounts to this,—that if the *distinction of three* in one God, *revealed in the Scriptures*, as the Father, the Son and the Holy Ghost, inseparably connected with one another, possessing the same essence and *equal and alike infinite and immutable* in all natural and moral perfections; is to be construed according to W. Cogswell's *Theological Class Book*, that then and in that case, the doctrine of the Trinity is fully and completely made out. This is all that I ask.

There is one God; and there are three *in* this one God, of course of the same essence and nature; which *three* are *distinct* but not *separate*; made known in the *Scriptures*, not in Creeds, Confessions and councils, or by Sabellius, Arius, Athanasius, or the Cyprians, Augustines, &c.; but revealed in the *Scriptures*, as the Fa-

ther, *The Son and the Holy Ghost* ; not as *names, relations, characters or revelations* of the one God, but being in the Godhead ; which *three* possess the same *essence*, divine nature ; for what kind of an *essence or nature* has a *name, relation, character or revelation* ? And these three “are equal and alike infinite and immutable in all natural and moral perfections.” And here I would just remind your Honor, of a point which you entirely omitted and never hinted at, or else deemed unworthy of your notice, but which is very essential and agrees precisely with the last clause of the Augsburg Confession ; which is, that these three are “*The Almighty Maker of heaven and earth, and of all things visible and invisible.*” Surely, this clause was visible to mortal eyes.

Do not smile while I summon Mr. Cogswell’s “Theological Class Book” upon the stand. Though diminutive and less splendid, when compared with some *Prayer Books*, which are more *common*, yet, like Apollos, it is a work “mighty in the Scriptures.” It becomes incumbent upon me to establish the doctrine of God, as taught in this book, by undoubted and unquestionable authority. But I blush to enter upon the consideration of the distinction of God’s attributes into *natural and moral* ; which is so familiar with our Students of divinity, and has been known among Lutherans at *least*, I had almost said, time immemorable.

The work in question is entitled—“*The Theological Class Book ; containing a system of Divinity*, etc. by William Cogswell, author of *The assistant to Family Worship*.” Published at Boston and also at New York, by Jonathan Leavitt, 1833. The work is very highly recommended by the *Christian Magazine*—*Spirit of the Pilgrims*—*Boston Recorder* and *N. H. Observer*.

On the doctrine of *God* (pp. 16. 17) the *Theological Class Book*, teaches that “God is a pure Spirit, that is, an immaterial being, possesses self-existence, eternity, immutability, omnipresence, omniscience, omnipotence, independence, goodness, wisdom, holiness, justice, mercy and truth. By the *natural perfections* of God are meant those which do not involve *moral character* ; and by his *moral perfections* are meant those which give character to him as a *moral being*. The natural perfections of God, are eternity, immutability, omnipresence, omnipotence, etc. The moral perfections are goodness, wisdom, holiness, justice,” etc.

As your Honor, has volunteered to stand as our "God—father," and at the same time to *christen* us with a new name; so he has attempted to bring us into desrepute, by comparing us with the "*Disciples of Christ*, better known as *Campbellites*;" and insinuating that we "patterned" after a new Sect, called "*The Church of God*," and your Honor might have added, commonly known as *Winebrennarians*; as if we had not "common sense" sufficient to judge and decide for ourselves, as the meaning of the plain and intelligible word of God; but that instead of being Evangelic Lutherans, we *too* were some new sect "everywhere spoken against," and professing to have more wisdom than the Fathers of the church in the first centuries, and in the times of the Reformation. I thank you in the name of my brethren in the ministry and our Evangelic Churches for the compliment.

But as I happen to know something in regard to the original draft of the Declaration of Faith of the Franckean Synod, permit me to say, that it is wholly unfounded. And since this intimation has been made for some purpose, I deem it proper here to state, after whom we did *pattern* and that we are not yet ashamed of our prototype, for we are proud to number among them a JOHN ANGELL JAMES and the late lamented JAMES MATTHEWS, and many of the most learned and pious divines of England.

The article of the Declaration was intended to be essentially the same as the *second* and *third* articles of the Declaration of Faith of the "Congregational Union of England and Wales." They are in these words: "II. They believe in one God, essentially wise, holy, just, and good; eternal, *infinite and immutable, in all natural and moral perfections*; the creator, etc. of all beings and of all things. III. They believe that God *is revealed in the Scriptures as the Father, the Son and the Holy Ghost*, and that to each are attributed the same divine properties and perfections."

Here then, your Honor has our *pattern*. "The Congregational churches in England and Wales, frequently called Independent." These two articles were intended to be embraced in one article and to be expressed in as brief a manner as possible, and still retain all the spirit and substance. Such too, was the article of 1837, designed to be, when the Synod was organized; and it is not certain but that the original manuscript was more full and explicit, but unfor-

unately it was lost in the office of the publishers. The deficiency was immediately discovered, and rectified at the very first opportunity, that is, at the next annual session, at which time only the Constitution could be amended.

The Declaration of Faith of the "Congregational Union of England and Wales," was sent as a communication by the Rev. F. W. Geissenhainer, a Lutheran minister of the city of New York, to the "Lutheran Observer," and was published in that paper, (Vol. 1: *New Series*, No. 16, 1833) nearly 4 years before our organization. Mr. Geissenhainer in his remarks to the Editor, says: "With the plan of the Congregational Union of England and Wales, I was much pleased and should like to see it circulated, since it may serve as a kind of *pattern*; therefore shall transcribe it for your use. Some objectionable expressions to us, may be contained in the articles of faith and discipline of the 'Congregational Union,' still it is gratifying to find that the *largest, and most respectable* church in England corresponds so nearly with us in views and principles; it has evidently built upon the great foundation of the Reformation by Luther, 'nothing but the Scriptures.'"

Who will take upon themselves to deny that the *Congregational Union* are Scripture Trinitarians. Here too, you see, *natural and moral perfections* ascribed to God, and in the precise language of our Evangelic Declaration. Here is no *person* or *three persons*, but simply the *Father, Son and Holy Ghost, as revealed in the Scriptures*. The Declaration of Faith of the Franckean Synod is even stronger and more explicit than that of the Congregational Union, inasmuch as it declares, that the *three* are one God, the Almighty Maker, etc.

In your researches after information in regard to the division of the attributes of God, into *natural and moral*, if you could obtain no light from the *Professors* of your *Theological Seminaries* or *Doctors of Divinity*, you should have examined a book of good authority, and which you quoted on p. 24, viz: the *Encyclopædia of Religious Knowledge*. Under the article "*Attributes of God*," it says: "The more common received distinction of the attributes of God is into communicable and incommunicable. A later distinction still, for the sake of *clearness*, is into *natural and moral* attributes of

God. See those different articles; and Bates, Charnock, but especially Dwights Theology Vol."

As this distinction is so universally known, I do not mean to be tedious, but as brief as possible in my quotations. Dr. Dwight says: "Having considered the existence and *natural attributes* of God; I shall now proceed to the subject of his *moral attributes*." (*Theology Vol. 1. p. 166.*) His classification is the same as Mr. Cogswell.

Mr. Thomas Dick, an eminent and learned English writer, speaking of the different christian denominations in Great Britain, says: "Most of the denominations recognize the leading truths of divine revelation, the *natural and moral attributes* of the Deity, the fall of man, the necessity of a Saviour," etc. (*General Diffusion of knowledge, p. 144.*) Every man should read Mr. Dick's works.

The next work from which I shall quote, is entitled: "*The Harmony of Divine Truth.*" By Seth Williston, author of a Vindication of the Doctrine of the Reformation, Revival Sermons, Discourses on the Sabbath, etc. Utica 1836." Mr. Williston is a distinguished Presbyterian divine, and a sound, clear and intelligent writer. I shall quote somewhat extensively from his work. He says in Part 1: Article 1. "There is one only living and true God, possessed of infinite *natural and moral perfections*: and the *Jehovah* of the Scriptures is that God." "There are different names applied to the God of the Scriptures; but *JEHOVAH* is the name which is most peculiar to him. The idol of the heathens are called *gods*; but concerning the object of Israel's worship it is said, that his name alone is *Jehovah*. He is every where represented to be absolutely perfect both as to his *natural and moral attributes*, that is, infinitely *great and good*. The distinction between natural and moral attributes is not arbitrary; it is as well founded as that, which we have all been in the habit of making, between the *understanding* and the *heart*. Were we to say of a certain man, that he has a capacious mind a great intellect, we should be considered as deciding nothing concerning the state of his heart, whether it be benevolent or selfish. The natural attributes of God relate to his *greatness* without distinctly bringing into view the holiness of his character. They are all infinite, or unlimited. Of this class of attributes are *eternity, omnipresence, omniscience, omnipotence*, etc. The moral attributes ex-

hibit to us the character of God ; they show us his *heart*. The infinitude of the natural attributes, constitute a capacity for infinite moral perfections." The moral attributes are holiness, love, justice, mercy, truth, etc. (pp. 17. 19. 20. 22.)

With one Lutheran authority and I close. The work is entitled : "*Lectures on Christian Theology*, by George Christian Knapp."—Dr. Knapp was a divine of the Halle School, born in Francke's Orphan House at Glaucha, and educated in the University of Halle. After having been fifty years connected with the Theological faculty of the University, he died in 1825. His work is the text book in Hartwick Theological Seminary ; and is decidedly in all respects the most biblical of any I have ever seen.

Prof. Knapp speaking of the division of the divine attributes into natural and moral, says : "We are conscious of two principal powers, *understanding* and *will* ; and accordingly we ascribe them to the supreme being. Now the attribute which we conceive to be connected with the divine will, are called by theologians *moral* : the others, standing in no connection with the will, but belonging to the *understanding*, and to the power of God as a spirit, *natural or physical*. The natural attributes of God are beyond the reach of our attainment ; but we may be conformed to his *moral character*. Through this *moral perfection* it is, that we are as it were related to him, Acts 17: 28. He is a free being, possessed of the purest moral will. *Morus* adopts this division of the divine attributes, as the most useful. To this opinion we assent, and shall accordingly treat of eternity, omnipotence, omniscience, etc. In connection with the divine will are the following *moral* attributes, viz. truth, goodness, holiness, justice." etc. (Vol. 1. pp. 182, 183.)

Morus, to whom Prof. Knapp refers, was a Lutheran divine and Professor of theology, but at what period he lived, I am not able to ascertain ; probably in the first part of the 18th century.

I have now finished my *Defence* of the "Declaration of Faith," on the doctrine of the Trinity. Although there are several points of this portion of your Honor's Opinion, to which I ought to apply my strictures, but I forbear. Your criticism of the words *natural and moral perfections*, is really too flimsy, and would not compensate for the time to be devoted to its examination ; having already been sufficiently and clearly explained and defined. Your Honor was

completely in a fog of mysticism. Your three *names, relations, characters or revelations* are equally futile and unfounded. I shall pass them over.

With due reverence, permit me to ask your Honor, will you sincerely and cordially say, that *now* you "can not understand by the article in question, that the Defendants believe the Son and Holy Ghost to be equally powerful with God the Father." Do you not believe that the Article teaches, that the Son and Holy Ghost, together with the Father, are one God; and to *each* and in *common* with one another, is ascribed the pefections of the Supreme Being? Have I not fully sustained your *contession* on page 56, by the most irrefragible and unquestionable authority? The distinction of God; attributes into natural and moral, has long been known, and our people well understood it; and we supposed that the *learned* of the world did likewise; but in this supposition we have for once been sadly mistaken.

The other two points of doctrine, viz. the *divinity of Jesus Christ* and *original or inherited sin*, together with the subject of Church government, I must reserve for another letter. I have already exceeded the limits I had assigned to myself when I commenced writing. My time and other official duties will not allow me to enter upon the examination at present, of the remaining important points with that care and deliberation I desire. But with your permission, I shall address you once more and then make a full DEFENCE of the Declaration of Faith, of the Evangelic Lutheran Churches of the Franckean Synod.

The controversy which has harrassed the Evangelic Lutheran Churches in question is an extremely unpleasant one. It should never have received any countenance from a Court of Equity. Bishop Wieting was the choice of a vast majority of both these Churches. He is their rightful and Heaven-given pastor. The Lord Jehovah sent him to Sharon. And ever since he has been the pastor of these Evangelic Lutheran Churches, they have had preached to them faithfully, pointedly and tenderly the doctrine of the Trinity—the entire depravity of man—the divinity of Jesus Christ, the Son of God—justification by faith alone in the atoning blood of Christ—the necessity of regeneration and sanctification; nay, the whole counsel of God, in the broad range of doctrinal, experimen-

tal and practical religion. The Lord God of heaven showered down his blessings and hundreds have been converted from dead formality and the error of their ways—family alters have been reared and many of the dear children have been brought to rejoice in the Ark of safety. Love, such as is shed abroad by the Holy Ghost—peace, such as the world cannot give—and Union, aye, a heavenly union existed and abounded among the people; and there were the cords of firm and mutual attachment strong; and still unbroken between pastor and people. Truly, it may be said, that Sharon blossomed as the rose!

Your Honor has had the case before you, and you have declared it as your deliberate "Opinion," that there is a perversion of the property and funds by the majority of these Churches. You have decreed to saddle upon the Trustees and other persons, a large amount of Costs and other expenses—upon trustees, who are innocent persons, acting as *Agents* of the people in carrying out in good faith the decisions of the Churches, and employing the property, revenues and funds for the preaching of the Gospel and for no other purpose. And after they have done all this in the fear of God, they are charged with the perversion of the property, funds and temporalities and made individually liable for costs and revenues.—They have used the property and temporalities for God, for christianity and for these Churches. Is this a perversion of the property and funds of these corporations? But a brighter star may yet arise! Truth and justice may yet prevail. May God in mercy be pleased to over-rule all for his glory and the cause of the righteous. And may your Honor enjoy that peace which passeth all understanding and the grace that overcometh the world.

Yours in the bonds of the Gospel of Christ.

JOHN D. LAWYER.

Leesville, N. Y. March 4th, 1846.

ERRATA.

On page 6th the 11th line from the bottom after the word *churches*, insert "any more." On page 23rd, the 8th line from the bottom, read *Luther* instead of *Lutheran*.



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